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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/517,351 | 12/08/2004 | Yair Shapira | 06001.1070 | 6871 |
| 35856 7590 06/19/2009 SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC Two Ravinia Drive Suite 700 ATLANTA, GA 30346 | | | | |
| EXAMINER | | | | |
| DUONG, DUC T | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2419 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/19/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,351

Applicant(s)

SHAPIRA ET AL.

Examiner

Duc T. Duong

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8, 18-21 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8, 18-21 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 5-8, 18-21, and 27 are withdrawn in view of the newly discovered reference(s) to Ke et al (US Patent 7,095,716 B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 5-8, 18-21, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ke et al (US Patent 7,095,716 B1).

Regarding to claims 5-8 and 18-21, Ke discloses a method for manipulating the transportation of packets between a source network 105 and IP based destination network 125 (fig. 1 col. 3 lines 57-67), the method (fig. 4) comprising the steps of

receiving 405 a packet from a source, the received packet being intended for a destination (col. 4 lines 63-67); parsing 415 the received packet to identify the received packet as a packet that can be manipulated (col. 5 lines 1-7); updating 445 a cross-reference table 345, the cross-reference table enabling the reconstruction of a connection to the destination (col. 5 lines 31-41); manipulating the received packet by sending the received packet to a manipulation module (col. 11 line 25-32); reconstructing the connection to the destination for the manipulated packet using the cross-reference table (col. 11 lines 33-36); and transferring the manipulated packet to the destination, wherein the received packet and the manipulated packet are transferred over network based tunnels (col. 11 lines 36-39), wherein the step of updating the cross-reference table further comprises one of the following using a source port number of the received packet coming from the manipulation module, using the IP address of the manipulation module, using the IP address of the destination, or using the IP address of the source (col. 7 lines 56-64 and col. 11 lines 1-16).

Regarding to claim 27, Ke discloses a system 200 for manipulating the transportation of original packets transported between at least one remote client via an access network 105 and at least one IP based private data network 125, wherein the original packets are encapsulated in network based tunnel packets, and wherein the system is at the access network service provider's premises (fig. 1-3 col. 2 lines 39-45), the system comprising an access gateway interface module 305/310 for receiving network based tunnel packets from, and sending network based tunnel packets toward the at least one remote client via an access gateway (col. 4 lines 33-37); a border

gateway interface module 305/310 for receiving network based tunnel packets from, and sending network based tunnel packets toward the at least one IP based private data network via a border gateway (col. 4 lines 33-37); a manipulation module (processing boards) for manipulating the original packets that are encapsulated in the network based tunnel packets (col. 11 lines 25-32); a manipulation equipment interface module 355, interfacing to the access gateway interface module and the border gateway interface module and the manipulation module and that is operable to receive network based tunnel packets from, and send network based tunnel packets to the access gateway interface and the border gateway interface modules (col. 4 lines 38-40); the manipulation equipment interface being further operable to manipulate received network based tunnel packets by retrieving an original packet, sending the retrieved original packet to the manipulation module, receiving a manipulated packet that is the result of the manipulation of the original packet, reconstructing the network based tunnel packet by installing the manipulated original packet and forwarding the reconstructed network based tunnel packet to either the access gateway interface or the border gateway interface (col. 11 lines 33-42), wherein the access gateway interface module maintains a table of all destinations that are users of the manipulation equipment (col. 5 lines 42-61).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./
Examiner, Art Unit 2419
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2419